

Entered - 12/18/02 - sb
CL02L0905 - DIANNE C. MITCHELL

CLAIM OF: MARTIN L. SHIPTON
942 Glen Arden Way
Atlanta, Georgia 30306

03-*R*-0867

For damages alleged to have been sustained as a result of vehicular damage due to driving over a metal construction plate on September 18, 2002 at 942 Glen Arden Way, NE.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED BY COUNCIL
Jun 16, 2003

ADVERSE REPORT

COMM: 6/10/03

DATE:

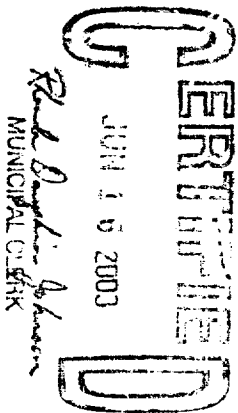
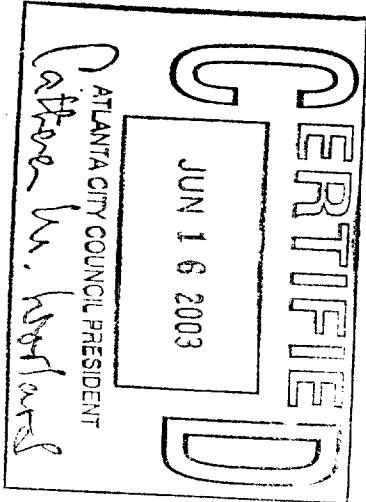
CHAIR:

Way Norwood

Chris [unclear]

[unclear]

C. J. Mark





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

June 27, 2003

Martin L. Shipton
942 Glen Arden Way
Atlanta, GA 30306

03-R-0867

Dear Mr. Shipton:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 16, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0905

Date: May 28, 2003

Claimant /Victim MARTIN L. SHIPTON

BY: (Atty)(Ins. Co.)

Address: 942 Glen Arden Way, NE, Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 3,252.22 Bodily Injury \$

Date of Notice: 09/20/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 09/18/02 Place: 942 Glen Arden Way, NE

Department Bureau:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant's vehicle was damaged when he struck a metal construction plate in the roadway. The investigation determined that United Water Services was responsible for the work. The claim was forwarded to United Water for handling and the claim has been settled.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

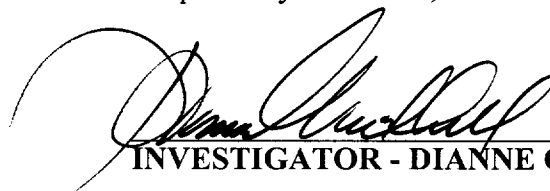
Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: Concur/date 15-28-03

Committee Action: Council Action

RCS# 4836
6/16/03
5:03 PM

Atlanta City Council

Regular Session

CONSENT I PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693
 03-O-0913; 03-O-0668; 03-O-0669
 ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 2

Y Smith	B Archibong	E Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	NV Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4835
6/16/03
5:02 PM

Atlanta City Council

Regular Session

CONSENT I PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693
 03-O-0913; 03-O-0668
 RECONSIDER

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 1
ABSENT 2

NV Smith	B Archibong	E Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	NV Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4815
6/16/03
2:28 PM

Atlanta City Council

Regular Session

CONSENT I PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693
 03-O-0913; 03-O-0668
 ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0906 2. 03-O-0911 3. 03-O-0905 4. 03-O-0764 5. 03-O-0914 6. 03-O-0667 7. 03-O-0671 8. 03-O-0839 9. 03-O-0908 10. 03-O-0910 11. 03-O-0912 12. 03-R-0851 13. 03-R-0853 14. 03-R-0854 15. 03-R-0922 16. 03-R-0927 17. 03-R-0928 18. 03-R-0891 19. 03-R-0894 20. 03-R-0921 21. 03-R-0890 22. 03-R-0893 23. 03-R-0895 24. 03-R-0903 25. 03-R-0938 26. 03-R-0848 27. 03-R-0849 28. 03-R-0892 29. 03-R-0918 30. 03-R-0919 31. 03-R-0923 32. 03-R-0924 33. 03-R-0897	34. 03-R-0855 35. 03-R-0856 36. 03-R-0857 37. 03-R-0858 38. 03-R-0859 39. 03-R-0860 40. 03-R-0861 41. 03-R-0862 42. 03-R-0863 43. 03-R-0864 44. 03-R-0865	45. 03-R-0866 46. 03-R-0867 47. 03-R-0868 48. 03-R-0869 49. 03-R-0870 50. 03-R-0871 51. 03-R-0872 52. 03-R-0873 53. 03-R-0874 54. 03-R-0875 55. 03-R-0876 56. 03-R-0877 57. 03-R-0878 58. 03-R-0879 59. 03-R-0880 60. 03-R-0881 61. 03-R-0882 62. 03-R-0883 63. 03-R-0884 64. 03-R-0885 65. 03-R-0886 66. 03-R-0887 67. 03-R-0888

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929